

REMARKS/ARGUMENTS

Applicants have decided to make the election of Group I without traverse. The claims have been amended accordingly.

Claim 5 stands rejected under 35 U.S.C. §112, second paragraph of 35 USC §101.

Claim 5 has been cancelled, rendering this rejection moot.

Claims 7-8 stand rejected under 35 U.S.C. §112, first and second paragraphs.

Claims 7-8 have been cancelled.

Applicants pending method claims are now claims 16-24. These claims recite specific diseases and/or conditions which are believed to address most of the grounds for the rejections. However, the term "preventing" is retained. It is submitted that such term is not indefinite and the prophylactic use of compounds for many conditions and diseases is common in the art. In particular, drugs are routinely used prophylactically to prevent transplant rejection.

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Albert et al. (WO 02/081449) in view of Baroudy et al. (WO 00/66559).

The present application and Albert et al. (U.S. 20040142920) were at the time the invention of the present application was made owned by, or were subject to an obligation of assignment to, the same company. Therefore, this rejection should be withdrawn under 35 U.S.C. 103(c).

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baroudy et al. in view of Asberom et al. (WO 98/01425).

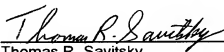
Applicants traverse this rejection. Asberom et al. is directed to compounds that treat cognitive disorders, such as Alzheimer's, wherein Baroudy et al. is directed to compounds that treat inflammatory diseases and the like. It is submitted that one skilled in the art seeking to modify Baroudy et al.'s inflammatory compounds would not look to Asberom et al.'s cognitive disorder compounds. Furthermore, although Asberom et al. discloses a disubstituted amino group, the substituents are substantially different in structure from applicants claimed compounds. In particular, Asberom et al. amino substituents require the "R" moiety to be a cyclic structure which is not present in applicants' amino substituents.

Claims 1-4 and 6 stand presently rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Serial no. 10/472,653 (US 20040142920, national stage of Albert et al.) in view of Baroudy et al.

Submitted herewith is an appropriate terminal disclaimer which is believed to render this rejection moot.

Respectfully submitted,

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Date: *May 3, 2007*